

City Council Agenda

Council President Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D. Mike Dages **Jerry Duncan**

City Manager Andrew T. Souza

City Clerk Rebecca E. Klisch, CMC Cynthia Sterling **Larry Westerlund** Blong Xiong - Acting President

> City Attorney James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

February 27, 2007

8:30 A.M. ROLL CALL

Invocation by Rev. Shane Scott of Saints Rest Missionary Baptist Church

Pledge of Allegiance to the Flag

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Ceremonial Presentations:

Proclamation of "CONSUMER EMPOWERMENT DAY" - Councilmember Sterling - Read and presented

Approve minutes of February 6, and February 20, 2007

Action Taken: Approved as submitted

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar
Action Taken: Adopted

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. RESOLUTION Of intention to annex Final Tract No. 5503 as Annexation No. 15 to City of Fresno
 Community Facilities District No. 11, and authorize the levy of special taxes and setting the public hearing for March 13, 2007 @ 10:05 a.m. (Property located in District 5) Public Works Dept.

 Action taken: Resolution No. 2007-59 adopted
- B. RESOLUTION Of intention to annex Final Tract No. 5232 as Annexation No. 14 to City of Fresno
 Community Facilities District No. 11, and authorize the levy of special taxes and setting the public hearing for
 March 13, 2007 @ 10:05 a.m. (Property located in District 5) Public Works Dept.

 Action taken:
 Resolution No. 2007-60 adopted
- C. RESOLUTION Dedicating certain City-owned property for public street purposes, property located northeasterly from the intersection of Polk and Clinton Avenues Public Works Dept. (Property located in District 1)

 Action taken: Resolution No. 2007-61 adopted
- D. * Approve agreement with Dale Rutherford Architecture & Planning in the amount of \$142,500 with a contingency of \$30,000 to design the station renovations and additions for Fire Stations No. 11 and 13 within the City of Fresno and the restroom renovation of Fire Station No. 20 within the County of Fresno (Fire Station Nos. 11, 13 are within Council District 6) Public Works Dept.
 Action taken: Approved
- **E.** RESOLUTION Dedicating certain City-owned property for public street and utility purposes, property located northeasterly from the intersection of Peach and Church Avenues (*Property located in District 5*) Public Works Dept.

Action taken: Resolution No. 2007-62 adopted

- F. * Approve the acquisition of fee simple property and use of a construction easement to construct the Cherry Avenue sewer lift station on the west side of Cherry Avenue between North Avenue and Central Avenue in the unincorporated area of Fresno County Public Works Dept.

 Action taken: Approved
- **G.** RESOLUTION Calling a public hearing for March 27, 2007 at 10:a.m. to determine whether public necessity, health, safety or welfare requires the formation of Underground Utility District No. FRE-69 Public Works Dept.

Action taken: Resolution No. 2007-63 adopted

1. CONSENT CALENDAR CONTINUED

H. * Award a contract to Bush Engineering, Inc. for the base bid of \$1,220,877.20, "O" Street (41 to Ventura Street) improvements and Ventura Street ("O" to "M" Street) Phase 1 (Property located in District 3) – Public Works Dept.

<u>Action taken:</u> Awarded/\$1,220,877.20

I. Approve documents to facilitate new flights at Fresno Yosemite International Airport by Expressjet Airlines – Airports Dept.

Action taken: Approved

J. * Approve Side Letter of Agreement with Fresno Airport Public Safety Supervisors (FAPSS), Unit 15, regarding bilingual certification and pay – Personnel Services Dept.

Action Taken: Approved

K. Approve reappointments of Councilmember Sterling and Beatrice Johnson to the Fresno-Madera Area Agency on Aging Board – Mayor Autry

Action Taken: Approved

L. * Request authorization to execute a short-term interim amendment No. 2 in the amount of \$30,000 to the Professional Services Agreement with URS for services related to the procession of development projects – Planning and Development Dept.

Action Taken: Authorized

M. * Approve Amendment No. 2 to Professional Consulting Services Agreement in the amount of \$59,842 with Carter Burgess, Inc. for rehabilitation/reconstruction of various taxiways at Fresno Yosemite International Airport – Airports Dept.

Action Taken: Approved

N. * Approve Amendment No. 1 to Consultant Services Agreement between the City of Fresno and RRM Design Group for Municipal Service Center Annex Master Planning Study – Fire Dept.

Action Taken: Approved

Approve the Independent Contractor Services Agreement for ten (10) after-school science activities, reimbursement of expenses, calculated according to City of Fresno Master Fee Schedule, to be paid by Fresno Unified School District (FUSD) – PR&CS

Action Taken: Approved

P. * Approve a Community Partner Agreement between the City of Fresno through Parks, Recreation and Community Services and KaBOOM! for the installation of a community-built skateboard project at Romain Playground – PR&CS

Action Taken: Approved

Q. * Approve agreement for the leasing of property by Valley Arts and Science Academy (VASA) from City of Fresno for the purpose of operating a charter school – PR&CS

Action Taken: Approved, as amended

R. * Approve the Second Amendment to Agreement with Blair, Church and Flynn Consulting Engineers in the amount of \$946,000 for the preparation of work plan for "No Neighborhood Left Behind" years four through six projects (*Properties location in various districts*) – Dept. of Public Utilities
Action Taken: Approved

S. * RESOLUTION - 60th amendment to AAR No. 2006-253 re-budgeting \$50,400 in grant funds from the California Integrated Waste Management Board (CIWMB) for the Used Oil Block Grant and Department of Conservation Beverage Container Grant Programs (Requires 5 affirmatives votes) – Dept. of Public Utilities Action Taken: Resolution No. 2007-64 adopted

1. CONSENT CALENDAR CONTINUED

* Approve an Agricultural Lease Agreement in the amount of \$237,000 with option for two one-year extensions for 158-acres of City-owned land at the Regional Wastewater Reclamation Facility (RWRF) – Dept. of Public Utilities

Action Taken: Approved

- Ward a requirements contract in the amount of \$88,742.72 annually to CIS Services of Fresno, CA to provide security services at the Fresno-Clovis Regional Wastewater Reclamation Facility Dept. of Public Utilities Action Taken: Awarded/\$88,742.72
- V. Reject all bids for cationic polymer (bulk delivery) Dept. of Public Utilities

 Action Taken: Rejected
- W. RESOLUTION Of intention to re-annex Final Tract No. 5316 as Annexation No. 2 to City of Fresno Community Facilities District No. 11 and setting the public hearing for March 13, 2007 at 11:00 a.m. (Property located in District No. 1) Public Works Dept.
 Action Taken: Resolution No. 2007-65 adopted
- X. <u>BILL (For introduction)</u> Amending the Fresno Municipal Code requiring the installation of photo <u>luminescent exit path marking for buildings three (3) stories or more Fire Dept.</u>

 Action Taken: Bill No. B-13 introduced/Laid over
- Y. <u>BILL (For introduction)</u> Relating to the repeal of numerous sections and articles of the Fresno Municipal Code relation to unnecessary, duplicative and outdated provisions City Attorney's Office

 Action Taken: Bill No. B-14 introduced/Laid over

2. CITY COUNCIL

- A. Update and direction regarding Council action of 11/14/06 wherein staff was directed to 1) hire a consultant to conduct a performance audit of the City's Handy Ride system to determine reasonable expectations and benchmarks, with the findings of the audit to be used as the basis for a new RFP; and 2) report back to Council in 60 days Councilmember Dages

 Action Taken: Update and direction made
- B. RESOLUTION Initiating a text amendment to remove controls and regulations by the City for businesses regarding the installation of single site wireless internet connections Councilmember Duncan

Action Taken: Resolution No. 2007-75 adopted

- C. Council discussion regarding City Public Relations: (Councilmember Calhoun)
 - 1. Council and staff discussion regarding the public information resources memo issued on January 17, 2007

Action Taken: Continued one week

2. <u>Direct staff to return to Council in 60 days with a status report on the September 26, 2006, Council Action regarding the contract approval to Astone for publicist services Action Taken:</u>

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. SCHEDULED COMMUNICATION -
- 9:00 A.M.

 B. UNSCHEDULED COMMUNICATION Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda

9:15 A.M. GENERAL ADMINISTRATION

- A. <u>BILL (For introduction)</u> Amend Section 10-310 of the Fresno Municipal Code establishing a Vehicle Immobilization ("Booting") Program Ordinance

 Action Taken: Bill No. B-15 introduced/Laid over
- B. * Approve agreement for Workers' Compensation Service Provider Contract between the City of Fresno and American All Risk Loss Administrators and authorize Personnel Services Director to execute agreement on behalf of the City Personnel Services Dept.
 Action Taken: Tabled one week
- C. Authorize staff to negotiate and enter into a Professional Services Agreement with Quad Knopf, Inc.

Action Taken: Authorized

- 1. * RESOLUTION Approve reallocation of \$900,000 from the water well construction capital program to provide additional appropriations for the design of a two-million gallon water storage tank, booster pump and water supply well Dept. of Public Utilities
 - Action Taken: Resolution No. 2007-66 adopted
- D. RESOLUTION For formation of a tax-exempt non-profit entity for the primary purpose of producing affordable housing and creating economic development opportunities and authorization for execution of necessary documents Planning and Development Dept. (Continue to March 27, 2007)
 Action Taken: Continued as noted
- E. RESOLUTION Declaring support for the completion of the San Joaquin River

 Transportation Study being conducted by the County of Madera Planning and Development

 Dept.

Action Taken: Resolution No. 2007-67 adopted

- **9:30 A.M. WORKSHOP** regarding General Fund Bonds Finance Department **Action Taken:** Held
- 10:00 A.M.

 TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, to hear and to consider information concerning the proposed issuance of Mobilehome Park Revenue refunding Bonds by the Independent Cities Lease Finance Authority to refinance the previously issued authority bonds; (Westlake Mobilehome Park) Series 2003A, Series 2003B (Tax exempt) and Series 2003B (taxable) Finance Dept.

Action Taken: Held

a. * RESOLUTION – Approving the issuance by the Authority of the Mobilehome Park Revenue Refunding Bonds in the aggregate principal amount not to exceed \$20 million

Action Taken: Resolution No. 2007-68 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M. CONTINUED HEARING regarding traffic signal impact fees – Public Works Dept.

(Continued to 3/27/07 @ 10:00 a.m.) Action Taken: Continued as noted

10:20 A.M. CONTINUED HEARING to consider the vacate a portion of W. Cattern Avenue northeast of N. Weber

Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south of W. Devlan Avenue (*Property located in District No. 2*) - Public Works Dept.

Action Taken: Held

a. * RESOLUTION – Ordering the vacation a portion of W. Cattern Avenue northeast of N. Weber Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south

of W. Devlan Avenue

Action Taken: Resolution No. 2007-69 adopted

10:30 A.M. TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, to hear and to consider information concerning the proposed issuance of Allied Waste North

American, Inc. Revenue Refunding Bonds by the California Municipal Finance Authority (tax exempt) – Finance Dept.

- Finance Dept.

Action Taken: Held

* RESOLUTION - Approving the Joint Exercise of Powers Agreement relating to the California
 Municipal Finance Authority, authorizing the City's Membership in the Authority and execution
 of the Agreement

Action Taken: Resolution No. 2007-70 adopted

b. * RESOLUTION - Approving a revenue bond financing to be issued by the California Municipal Finance Authority in the aggregate principal amount not to exceed \$250,000,000 to benefit

Allied Waste North America, Inc. or an affiliate thereof

Action Taken: Resolution No. 2007-71 adopted

10:45 A.M.#1 HEARING to annex Final Tract No. 5424 to the City of Fresno Community Facilities District No. 2,

Annexation No. 133 (Property located in District 4)

Action Taken: Held

a. RESOLUTION - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken: Resolution No. 2007-72 adopted

b. RESOLUTION - Calling special mailed-ballot election

Action Taken: Resolution No. 2007-73 adopted

c. **RESOLUTION** - Declaring election results

Action Taken: Resolution No. 2007-74 adopted

d. * BILL - Levying a special tax for the property tax year 2006-2007 and future tax years within

and relating to Community Facilities District No. 2, Annexation No. 133

Action Taken: Bill No. B-16/Ordinance No. 2007-13 adopted

10:45 A.M.#2 HEARING to consider annexation of Final Tract No. 5312 to the City of Fresno Community Facilities

District No. 2, Annexation No. 134 (Property located in District 4)

(Continued to 3/20/07 @ 10:00 A.M.)

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. HEARING to consider Rezone Application No. R-06-24, and environmental findings, filed by Donald and Patricia Lockhart, pertaining to approximately 0.52 acre of property located on the southeast corner of E. Laurel and S. Chestnut Avenues (*Property located in District 5*) – Planning and Development Dept.

Action Taken: Held

- Consider and adopt Environmental Assessment No. R-06-24, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan Action Taken: Adopted
- b. BILL Amending the Official Zone Map to rezone the subject property from the R-A (Single Family Residential-Agricultural) zone district to the R-2 (Low Density Multiple Family Residential) zone district

Action Taken: Bill No. B-17/Ordinance No. 2007-14 adopted

2:00 P.M. #1 CONTESTED CONSENT CALENDAR

2:00 P.M. #2 CLOSED SESSION

2:30 P.M

HEARING to consider Rezone Application No. R-06-61, and environmental findings, filed by Augie Colmenero, pertaining to approximately 2.54 acres of property located on the west side of N. Valentine Avenue between W. Gettysburg and W. Ashlan Avenues (*Property located in District 1*) - Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-06-61, determination of Initial Study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan Action Taken: Adopted
- b. <u>BILL</u> Amending the Official Zone Map to rezone the subject property from the R-A (Single Family Residential-Agricultural) zone district to the M-1 (Light Manufacturing) zone district <u>Action Taken:</u> Bill No. B-18/Ordinance No. 2007-15 adopted
- 2:45 P.M.

 BILL (For introduction) Adding Article 9 to Chapter 8 to the Fresno Municipal Code relating to prohibition against consumption of alcoholic beverages by underage persons and allowing or hosting gatherings where underage persons are consuming alcoholic beverages Councilmember Dages

 Action Taken: Bill No. B-19 introduced/Laid over

3:15 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of February 6, 2007

Action Taken: Approved, as submitted

A. Matters relating to award of contract for the reconstruction of Orange Avenue between North Avenue and Freeway 99 within the South Fresno Industrial Revitalization Redevelopment Area:

Action Taken: Held

- RESOLUTION Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, and authorizing the Agency's installation of public improvements in Orange Avenue between N. Avenue and Freeway 99 within the South Fresno Industrial Revitalization Redevelopment Project Area (Council and Agency action)
 - Action Taken: Joint Resolution Nos. 2007-76/1692 adopted
- 2. Award a contract to Dave Christian Construction in the amount of \$584,257.20 for Orange Avenue reconstruction between N. Avenue and Freeway 99 within the South Fresno Industrial Revitalization Redevelopment Area (Agency action)

 Action Taken: Awarded/\$584,257.20

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:15 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B. * Approval of Development and Disposition Agreement with Fulton Plaza, LLC, a California limited liability corporation, to sell four (4) Redevelopment Agency properties for the development of a mixed use commercial/residential project ("Fulton Park Plaza") and to provide financial assistance, subject to affordability restrictions, including related loan documents for the sale of the property and make findings and approvals in connection therewith and authorizing execution of documents (Council and Agency action)

 Action Taken: Approved
 - 1. RESOLUTION Approving a Development and Disposition Agreement between the Redevelopment Agency of the City of Fresno and Fulton Plaza, LLC, a California limited liability company, execution of related documents and making certain findings (Council and Agency action)

 Action Taken: Joint Resolution Nos. 2007-77/1693 adopted
- RESOLUTION Making certain findings pursuant to Section 33445 of the Community
 Redevelopment Law, and conditionally approving a purchase and sales agreement between
 the Redevelopment Agency of the City of Fresno and Babu Patel, and other owners, the
 subsequent and transfer of title of the property to the City of Fresno and conditionally
 authorizing the Executive Director to execute the Purchase and Sales Agreement for the
 purchase of the Bel-Air Motel at 740 W. Olive Avenue known as Assessor Parcel Number
 450-154-09; owned by Babu Patel, et al within the Freeway 99 Golden State Boulevard
 Corridor Redevelopment Project Area; the foregoing conditioned upon the satisfactory
 negotiation and execution of an addendum to the Purchase and Sale Agreement (Council
 and Agency Action)

Action Taken: Joint Resolution Nos. 2007-78/1694 adopted

ADJOURN AGENCY

- 5:00 P.M. PUBLIC HEARINGS to consider increasing utility service rates pursuant to Proposition 218: (Dept. of Public Utilities)
 - A. Protest hearing regarding increasing service rates for water, wastewater/sewer, and solid waste

<u>Action Taken:</u> Hearing held

- **B.** Ratifying the Proposition 218 process according to the California Constitution Article XIIID and adopting a five-year utility rate plan
 - 1. * RESOLUTION (Alternate A Staff Recommendation)
 Action Taken: Not adopted
 - 2. * RESOLUTION (Alternate B Utility Commission Recommendation)

 Action Taken: Resolution No. 2007-79 adopted, as amended to add clause #6 from Resolution Alternate "A", removing \$2.43 charge for tree trimming and community sanitation in September 2007, direct staff to return on 3/6/07 with holistic plan; establish annual utility commission where rates shall be reviewed and brought to Council for action
- C. Consider adoption of amendments to the MFS Resolution No. 80-420:
 - 1. * RESOLUTION 451st amendment to MFS Resolution No. 80-420 to adjust various fees in the water fee section under the Department of Public Utilities

 Action Taken: Resolution No. 2007-80 adopted
 - 2. * RESOLUTION 452nd amendment to MFS Resolution No. 80-420 to adjust various fees in the wastewater/sewer fee section under the Department of Public Utilities

 **Action Taken:* Resolution No. 2007-81 adopted*
 - 3. * RESOLUTION 455th amendment to MFS Resolution No. 80-420 to adjust various fees in the solid waste fee section under the Department of Public Utilities

 Action Taken:* Resolution No. 2007-82 adopted

February 27, 2007 *

*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION

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SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar. Mar. Mar. Mar. Mar.	6 - 6 - 6 - 6 -	8:30 A.M. 10:00 A.M. 10:15 A.M. 10:30 A.M. 10:40 A.M.	Presentation of Awards Certificates to Fresno Area Express Bus Drivers TEFRA HEARING re: bond issuance for Community Medical Center JOINT JPA MEETING with the City of Clovis HEARING re: Rezone Application No. R-05-96, filed by New Urban Strategies, LLC HEARING re: Rezone Application No. R-05-104, filed by George Nagata Trust, Trustees for Charles and Ellen Plann and Jean Wagenleitner
Mar.	6 -	10:45 A.M.	HEARING to consider the 2007 Weed Abatement Program
Mar.	6 -	11:00 A.M.	HEARING re: Rezone Application No.
Mar.	13 -	10:00 A.M.	HEARING to adopt the 2007 Weed Abatement Program
Mar.	13 -	10:05 A.M.#1	HEARING to adopt resolution of intention to annex Final Tract No. 5232 as Annexation No. 14 to City of Fresno Community Facilities District No. 11 (Located in District 5)
Mar.	13 -	10:05 A.M.#2	HEARING to adopt resolution of intention to annex Final Tract No. 5503 as Annexation No. 15 to City of Fresno Community Facilities District No. 11 (Located in District 5)
Mar.	13 -	10:30 A.M.	Discussion regarding Fresno County Fire Protection District – Fire Dept. (30 minutes)
Mar.	13 -	11:00 A.M.	HEARING re: CFD No. 1, Annexation No. 2, Tract No. 5316
Mar.	20 -	10:00 A.M.	CONT. HEARING on annexation No. 134, CFD No. 2, Final Tract No. 5312
Mar.	21 -	3:00 P.M.	JOINT MEETING with Fresno Unified School District (Council Chambers)
Mar.	27 -	10:00 A.M.	CONTINUED HEARING to consider amending MFS Resolution No. 80-420 adopting a Finding of Conformity with the General Plan MEIR, and introduction of an ordinance bill establishing new Citywide and new growth are major street impact fees – Public Works Dept.
Mar.	27 -	10:15 A.M.	HEARING re: Approving the formation of UUD No. FRE-69 (Ventura Street betw. "M" St and State Route 99)
Mar.	27 -	4:00 P.M.	2006 Cycle III Plan Amendments – Planning and Development Dept.
Apr.	10 -	10:00 A.M.	HEARING for the vacation of a portion of Yale Avenue west of Webar Avenue – R.I. 1059-D
Apr.	10 -	10:15 A.M.	HEARING to consider the vacation of a portion of the Clinton-Terrace alley east of Blackstone Avenue. (Located in District No. 7)